

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JIMMY FRANK CAMERON, #105591,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:07cv035-WHA
)	
TROY KING, et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #23), entered on May 1, 2007, and the objections filed by the Plaintiff on May 16, 2007 (Doc. #24) and May 23, 2007 (Doc. #26).

In his objections, Cameron challenges the denial of his parole in March of 2007 and argues that such was based on his having filed civil actions in this court and due to the Attorney General's protest. Plaintiff argues that he would have been released on parole if not for the Community Notification Act and but for his being labeled a sex offender. Cameron further asserts that he never committed the sex crime for which he was convicted and maintains that if he had testified he would have been found not guilty.

The constitutionality of the parole decision issued in March is not before the court in this action and any claims relating to the constitutionality of such decision would have to be presented against parole board members in a habeas corpus petition. Thus, the objections regarding the denial of parole do not affect the findings contained in the Recommendation. Moreover, Cameron's challenge to the validity of his conviction for a sexual offense are not

proper in a section 1983 action and likewise have no impact on the Recommendation.

Additionally, it is undisputed that Cameron has not been subjected, nor will he in the near future be subjected, to application of the Community Notification Act, as his next parole consideration date is scheduled for March of 2009. Thus, his claims challenging the constitutionality of the Act are not yet ripe. Finally, Cameron presents no objection to the court's determination that defendant King is in no way responsible for his prison classification.

Therefore, after an independent evaluation and *de novo* review of this case, the court finds the objections to be without merit, and they are hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that the Defendant's Motion for Summary Judgment is GRANTED, and this case is DISMISSED with prejudice. Final Judgment will be entered accordingly.

DONE this 5th day of June, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE